

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

HOMESITE INSURANCE COMPANY :
Appellee :
vs. : No. 14-2207
KYLE RALEY :
Appellant :

**MOTION TO EXTEND DEADLINE FOR FILING
OF APPELLANT'S BRIEF AND APPENDIX**

The Appellant, Kyle M. Raley, by his counsel, Mark T. Foley and Sasscer, Clagett & Bucher, respectfully moves this Honorable Court, pursuant to Federal Rule of Appellate Procedure 27 and Local Rule 26(b) of the 4th Circuit Rules of Appellate Procedure and, in support, states as follows:

1. This is an appeal of an insurance coverage declaratory judgment action from the Eastern District of Virginia.
2. This Court established a briefing schedule in which the Appellant's Opening Brief and Appendix is due on January 26, 2015.
3. On December 10, 2014, the parties participated, via telephone, with the 4th Circuit Mediator Edward G. Smith and thereafter attempted to set up a follow up mediation with a non-party insurer.
4. Significant effort was expended with the non-party insurer attempting to set up this follow up mediation, but these efforts have been unsuccessful to date – although it appears that the matter may be reset for follow up mediation shortly.
5. Good cause exists as counsel for the Appellant requires additional time

after the failed attempt to mediate this dispute to file his brief and appendix.

6. Counsel for Appellee Homesite Insurance, Robert Hardy, Esq., does not agree to this extension.

7. The Court's mediator, Edward Smith, was advised of this situation, and he explained, that in the absence of the consent of all parties, a Motion was necessary to modify the Scheduling Order.

8. This is the first request for an extension and will not prejudice the Court's scheduling of a hearing for oral argument (if necessary).

WHEREFORE, the Appellant, good cause having been shown, moves this Honorable Court to extend the deadline for the filing of the Opening Brief and the Appendix for 30 days and all other dates by 30 days as well.

Respectfully submitted,

SASSCER, CLAGETT & BUCHER

By: /s/ Mark T. Foley
Mark T. Foley, Esquire
5407 Water Street, Suite 101
Upper Marlboro, MD 20772
(301) 627-5500/(301) 627-4156
mfoley@scblawyers.com
Attorneys for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of January 2015, a copy of the Motion to Extend Deadline For Filing of Appellant's Brief and Appendix was sent via electronic mail to:

Robert M. Hardy, Esq.
JORDAN COYNE & SAVITS, LLP
10509 Judicial Drive, Suite 200
Fairfax, Virginia 22030
Attorney for Appellee

/s/ Mark T. Foley
Mark T. Foley, Esq.